



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3003408
Applicant Name: Pete James for Clearwire LLC
Address of Proposal: 6000 16th Avenue Southwest

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for future construction of a minor communication utility (Clearwire) consisting of four panel antennas (4-sector, one antenna per sector) and two microwave dishes on an existing transmission tower. Existing minor communication utility to remain.

The following approval is required:

SEPA - Environmental Determination - *Chapter 25.05*, Seattle Municipal Code.

SEPA DETERMINATION: ☐ EXEMPT ☐ DNS ☐ MDNS ☐ EIS
 ☒ DNS with conditions
 ☐ DNS involving non-exempt grading or demolition or
 involving another agency with jurisdiction

BACKGROUND DATA

Site & Area Description

The site, located near the southwest corner of the South Seattle Community College campus, contains an existing 80 foot transmission tower. The subject property is zoned Lowrise One (L1) with a Major Institution Overlay with a 37 foot height limit (MIO 37). Development in the area consists of a variety of one and two story academic buildings and a residential neighborhood directly to the west of 16th Avenue Southwest.

Proposal Description

The applicant proposes to install four panel antennas and two microwave dishes on the existing 80 foot, lattice transmission tower. The associated equipment cabinet will be located in an equipment cabinet near the base within an existing fenced compound.

Public Comment

During the public comment period which ended on November 30, 2005, the City received no written comments.

SEPA ANALYSIS

Environmental review resulting in a Threshold Determination is required pursuant to the State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05). The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated September 12, 2005 and Affidavit of Compliance with the FCC Rules on Non-ionizing Electromagnetic Radiation. The information in the checklist and the project file, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Department of Planning and Development has analyzed the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file; and any comments which may have been received regarding this proposed action have been considered. As indicated in the checklist, this action may result in limited short-term impacts to the environment. Due to their temporary nature and limited effects, the impacts are not expected to be adverse or significant.

Construction Impacts

Codes and development regulations applicable to this proposed project will provide sufficient mitigation for most impacts. Some of the initial construction activity, including placement of the antennas, equipment cabinets and wiring, may involve loud equipment and activities. This construction activity may have an adverse impact on the residents of the neighborhood approximately 300 feet to the west and the college community. Because of the close proximity of the residences, the Department finds that the limitation of the Noise Ordinance are inadequate to mitigate appropriately the adverse noise impacts associated with the proposal. The SEPA Construction Impact policies, (SMC 25.05.675.B) allow the Director to limit the hours of construction to mitigate adverse noise and other construction-related impacts. Therefore, the proposal is conditioned to limit construction activity to non-holiday weekday hours between 7:30 a.m. and 6:00 p.m. No further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

Visual Impacts

The proposed antennas and microwave dishes will be placed on an existing lattice, transmission tower. The negative view impacts of the antenna panels will be minimal given the height of the tower and the general expectation that antennas are placed on transmission towers.

Visual impacts associated with roof top appurtenances are regulated by the Code requirements related to location, setbacks, screening and rooftop coverage; requirements which the proposal meets. Proposed location and camouflage measures will minimize the potential for adverse visual impact. Thus no mitigation measures are necessary.

Environmental Health

Section 25.10.300 SMC contains Electromagnetic Radiation (EMR) standards with which the proposal must comply. The Department's experience with review of this type of installation is that the EMR emissions constitute a small fraction of that permitted under both Federal standards and the standards of SMC 25.10.300 and therefore pose no threat to public health.

There is inconclusive evidence regarding whether there are environmental health risks associated with the operation of and transmission by the type of antennas proposed. An affidavit of compliance with the Federal Communication Commission Standards was given by a registered professional engineer for this proposal. The Federal Communications Commission (FCC) has pre-empted state and local governments from regulating personal wireless service facilities on the basis of environmental effects of radio frequency emissions. Aside from approving FCC standards compliance, the Seattle-King County Department of Public Health is not required to review this proposal further. As such, no additional mitigating measures are warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

SEPA DECISION

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2c.
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2C.

CONDITIONS – SEPA

During Construction

1. The hours of construction activity shall be limited to nonholiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. and between the hours of 9:00 a.m. and 4:00 p.m. on Saturday (except that grading, delivery and pouring of cement and similar noisy activities shall be prohibited on Saturday). This condition may be modified by DPD to allow work of an emergency nature. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD.

Signature: (signature on file)
Bruce P. Rips, AICP, Senior Land Use Planner
Department of Planning and Development
Land Use Services

Date: March 27, 2006